

1 THE HONORABLE KYMBERLY K. EVANSON  
2  
3  
4  
5  
6  
7  
8

9  
10  
11 UNITED STATES DISTRICT COURT  
12  
13 WESTERN DISTRICT OF WASHINGTON  
14  
15 AT SEATTLE

16 CINDY BALMORES,  
17 JUSTIN BRASWELL,  
18 DEBORAH GARVIN, and  
19 THEA ANDERSON,  
20 for themselves,  
21 as private attorneys general, and  
22 on behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 SIRIUS XM RADIO INC.,

26 Defendant.

27 Case No. 2:24-cv-886-KKE

28 **STIPULATION AND ORDER  
RE: PROPOSED LITIGATION  
SCHEDULE**

## **STIPULATION**

**WHEREAS**, on June 21, 2024, Plaintiffs Cindy Balmores, Justin Braswell, Deborah Garvin and Thea Anderson, on behalf of themselves and all other similarly situated (collectively, “Plaintiffs”), filed their Complaint against Defendant Sirius XM Radio Inc. (“Sirius XM”) in this civil action captioned *Balmores v. Sirius XM Radio Inc.* (Dkt. 1);

**WHEREAS**, on July 18, 2024, this Court entered a Stipulation And Order To Stay Cases Pending Mediation (Dkt. 6) that stayed these proceedings in their entirety for sixty (60) days so that the parties could pursue mediation;

**WHEREAS**, on September 6, 2024, the parties filed a Joint Status Report (Dkt. 7) that advised the Court that the mediation had occurred but that the parties had not been successful in coming to a settlement;

**WHEREAS**, on October 29, 2024, the parties filed their Joint Rule 26(f) Report And Discovery Plan (Dkt. 9), which proposed multiple deadlines, including a deadline for the filing of Plaintiffs' motion for class certification (Dkt. 9, § 4), a deadline for the close of fact discovery (Dkt. 9, § 5(B)(ii)) and deadlines governing expert discovery (*Ibid.*);

**WHEREAS**, on November 4, 2024, this Court entered a Stipulation And Order (Dkt. 11) that once again stayed these proceedings in their entirety until January 3, 2025, so that the parties could continue pursuing mediation;

**WHEREAS**, on December 27, 2024, the parties filed a Joint Status Report (Dkt. 17) that advised the Court that the parties had still not reached a resolution;

**WHEREAS**, on January 23, 2025, the Court held a Scheduling Conference in which the Court directed the parties to file an updated Joint Status Report with a proposed schedule for litigation;

**NOW, THEREFORE, PLAINTIFFS AND SIRIUS XM STIPULATE, AGREE  
AND RESPECTFULLY REQUEST THAT THIS COURT ORDER THAT:**

1. Plaintiffs shall file their First Amended Complaint within thirty (30) days after the date of entry of this Order;

2. Defendant shall file its Answer or responsive motion within thirty (30) days

1 after Plaintiffs' filing of the First Amended Complaint;

2       3. Plaintiffs shall file an Opposition or Response to Defendant's responsive motion  
 3 within thirty (30) days after Defendant's filing of a responsive motion;

4       4. Defendant may file a Reply in support of its responsive motion within fourteen  
 5 (14) days after Plaintiffs' filing of an Opposition or Response to the responsive motion; and

6       5. The parties shall file an amended Joint Rule 26(f) Report And Discovery Plan, if  
 7 any, within fourteen (14) days of a decision on Defendant's responsive motion.

8  
 9 **DATED:** January 28, 2025

10 JONES DAY

11 /s/ Eric P. Stephens  
 12 Eric P. Stephens, admitted *pro hac vice*  
 Lee A. Armstrong\*

13 JONES DAY  
 14 250 Vesey Street, 34<sup>th</sup> Floor  
 New York, NY 10281  
 Telephone: 212.326.3939  
 15 Facsimile: 212.755.7306  
 epstephens@jonesday.com  
 laarmstrong@jonesday.com

16  
 17 \**Pro hac vice* application to be submitted

18 and

19 Tim D. Wackerbarth  
 20 BALLARD SPAHR LLP  
 P.O. Box 91302  
 Seattle, WA 98111-9402  
 21 Telephone: 206.223.7000  
 wackerbarth@ballardspahr.com

22  
 23 *Attorneys for Defendant*  
 Sirius XM Radio LLC

24  
 25  
 26  
 27  
 28 STIPULATION AND ORDER RE:  
 PROPOSED LITIGATION SCHEDULE - 3  
 CASE NO. 2:24-CV-886-KKE

HATTIS & LUKACS

11 /s/ Daniel M. Hattis  
 Daniel M. Hattis (WSBA 50428)  
 Paul Karl Lukacs (WSBA 56093)  
 Che Corrington (WSBA No. 54241)  
 HATTIS & LUKACS  
 11711 SE 8<sup>th</sup> Street, Suite 120  
 Bellevue, WA 98005  
 Telephone: (425) 233-8650  
 dan@hattislaw.com  
 pkl@hattislaw.com  
 che@hattislaw.com

12 and  
 13 Stephen P. DeNittis\*  
 14 DENITTIS OSEFCHEN PRINCE, P.C.  
 15 5 Greentree Centre, Suite 410  
 16 523 Route 73 N.  
 Marlton, New Jersey 08057  
 Telephone: (856) 797-9951  
 sdenittis@denittislaw.com

17 \**Pro hac vice* application to be submitted

18 *Attorneys for Plaintiffs*  
 19 and the Proposed Class

20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 HATTIS & LUKACS  
 11711 SE 8<sup>th</sup> Street, Suite 120  
 Bellevue, WA 98005  
 T: 425.233.8650 | F: 425.412.7171  
 www.hattislaw.com

## **ORDER**

## IT IS SO ORDERED:

January 28, 2025

Kimberly K. Carson

Kymberly K. Evanson  
United States District Judge